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28**E-FILED on 10/22/2012**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KEVIN EMBRY, an individual, on behalf of himself, the general public and those similarly situated,

Plaintiff,

v.

ACER AMERICA CORPORATION; AND DOES 1 THROUGH 50,

Defendants.

No. C-09-01808 JW

ORDER DENYING PLAINTIFF'S MOTION FOR FURTHER SANCTIONS

[Re Docket No. 277]

Plaintiff moves for further sanctions against objector Christopher Bandas ("Bandas"), who failed to comply with an earlier order of the court to either post an appellate bond or dismiss his appeal of the approval of class action settlement. It appears that Bandas filed a motion for voluntary dismissal of the appeal on September 28, 2012, the same day plaintiff filed the instant motion, and the appeal has been dismissed by the Ninth Circuit. (See Dkt. No. 280.) Since Bandas has now complied with the court's earlier order, the court finds that further sanctions are unwarranted. Accordingly, the motion for further sanctions is DENIED, and the motion hearing on October 26, 2012 is VACATED.

DATED: October 22, 2012

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge